

**MINUTES OF THE CITY OF LAS VEGAS CITY COUNCIL REGULAR MEETING HELD
ON WEDNESDAY, JANUARY 16, 2019 AT 6:00 P.M. IN THE CITY COUNCIL
CHAMBERS**

MAYOR: Tonita Gurulé-Girón

COUNCILORS: Barbara A. Casey
Vincent Howell
David A. Ulibarri, Jr.
David G. Romero

ALSO PRESENT: Ann Marie Gallegos, Interim City Manager
Casandra Fresquez, City Clerk
Esther Garduno Montoya, City Attorney
David T. Bibb, Sergeant at Arms

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Councilor Ulibarri, Jr. asked for a moment of silence to remember and pray for the Aguilar family, as Cipriano Aguilar had recently passed.

APPROVAL OF AGENDA

Councilor Romero had a question on his request at the last Work Session regarding the recommendations from Interim City Manager Gallegos for director positions and wondered why it was not the agenda.

Interim City Manager Gallegos advised that she had not had a chance to complete it although would bring to Council in February.

Councilor Casey stated that they had asked continually about the approval of personnel into interim positions that were supposed to be brought before Council and asked City Attorney Garduno Montoya to please review the different

documents because they all contradicted each other or did not address the issue at all.

She read from the Governing Rules of Procedure: *"Approvals 2.5 A. Approvals are the class of action in which the Governing Body shall make the final determination upon the recommendation of the Mayor or the City Manager. Those items requiring approval by the Governing Body shall include, but not limited to: 3. Approval for any and all action regarding the hiring, promotions, demotions, termination and/or changes in personnel compensation (inclusive of all permanent, temporary, seasonal, part-time or emergency hires)"*.

Councilor Casey stated that some people moved into Interim positions, had not come before Council and that she would like to have some kind of direction as to what they would be functioning by, due to not specifically following the Charter, the Governing Rules of Procedure or the Ordinances. She advised it had already been a year and a half of the same thing and that a decision needed to be made before going any further.

Mayor Gurulé-Girón stated that she would defer that to the City Attorney.

City Attorney Esther Garduno Montoya advised that there were some discrepancies in the Governing Body Rules of Procedure and had started the process of reviewing and was working with the City Clerk. She advised Council that it would be brought back next month.

Councilor Romero made a motion to approve the agenda as is. Councilor Casey and Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

APPROVAL OF MINUTES

Councilor Casey made a motion to approve the minutes for December 12th Special, December 12th Work Session and December 19th, 2018. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

MAYOR'S APPOINTMENTS/REPORTS

Mayor Gurulé-Girón advised there were no appointments/reports at this time.

MAYOR'S RECOGNITIONS/PROCLAMATIONS

Mayor Gurulé-Girón stated there were no recognitions/proclamations at this time.

PUBLIC INPUT

Oliver Lesperance spoke briefly regarding concerns from several community members including himself pertaining to the relocation of the Samaritan House to 7th Street and the safety concerns of the community's children and hoped the Governing Body would take that into account at the time they would be voting on it.

Tina Sione invited everyone to join the Opiate Committee at New Mexico Highlands University on Saturday, 9:00 a.m.- 2:00 p.m. to discuss the bringing in of a detox/treatment center. She spoke of the importance of putting our differences aside and work together in bringing activities for the youth in the community and surrounding areas.

PRESENTATIONS

Police Chief David Bibb presented the appointments to Commander positions. He proudly presented Lieutenant Steve Pacheco and Interim Commander Pam Sandoval with the promotions to the rank of Commanders, with the effective date of January 12, 2019.

Police Chief David Bibb presented Certificates of Appreciation for nine (9) Police personnel. He proudly presented the following with Certificates of Appreciation: Sgt. Michael Ortega, Sgt. David Trujillo, Officer Estevan Martinez, Officer David Barela, Officer Daniel Casados, Officer Estevan Baca, Officer Xavier Smith, Officer Darin Romero and Officer Gerardo Lozano.

Mayor Gurulé-Girón commended Chief Bibb on his appointments and recognitions. She congratulated everyone for their honors, thanked them for their work, putting their lives on the line for their community and stated that the community respected and supported our officers.

Interim Community Development Director Virginia Marrujo, Event Planner Angela Lyster and Carnegie Library Manager Zach McNellis presented awards for the Electric Light Parade, Home and Business Decorating Contest, City of Las Vegas Departments Float winners and Grand Marshall and Jr. Grand Marshall awards.

City of Las Vegas Gas Superintendent David Marquez gave a detailed powerpoint/presentation pertaining to the Natural Gas division triennial public awareness required by the Public Regulation Commission which included:

- | | |
|-----------------|--|
| -Purpose | -Mitigation |
| -System Summary | -Emergency Preparedness/Communications |
| -Hazards | -Reporting/Inspection |

Mr. Marquez advised the main goal of the City of Las Vegas Natural Gas division team was to provide a healthy and safe utility service to the community and provided emergency contact information.

Councilor Casey thanked Mr. Marquez for the presentation and emergency contact information due to now having direction regarding calls from constituents about emergency situations and advised that Utilities staff was always professional and appreciated it.

Mayor Gurulé-Girón commended Utilities Director Gilvarry and staff for their hard work in serving and keeping the community safe.

Utilities Director Gilvarry commended her Utilities Department team and stated that the individuals who work in Gas, Water and Wastewater systems were all certified and that they were also held to a very high standard.

Utilities Director Gilvarry gave a detailed powerpoint/presentation regarding the Solid Waste division recycling program status assessment which included:

- | | |
|------------------------|-----------------|
| -Path of Recyclables | -Costly Process |
| -What are others doing | -Financials |

- Priorities
- Options
- Reality

- Challenges
- What is done with plastics

Utilities Director Gilvarry advised that with the many challenges that came with recycling, she did not want to give up on recycling plastics and added that Utility Advisory Committee member Meredith Britt provided great information and support for the recycling program although she needed to take into consideration the costs for recycling, how it would impact our customers and the benefits from it.

Councilor Howell asked Ms. Gilvarry for the Highlands University plastic program revenue.

Utilities Director Gilvarry advised that she was not certain of the exact revenue although believed they were spending more to bundle the plastics, which costed \$100.00-\$150.00 and receiving about \$7.00 in return. She stated that unfortunately, from a business standpoint, it was not good business and recommended to everyone to buy aluminum and less plastic.

Councilor Romero asked questions regarding the status of the Keep America Beautiful program and individuals working on recyclables through the Community Service program.

Utilities Director Gilvarry advised there was no KAB Coordinator at this time although were in communication with the Federal KAB in getting the program back. She advised that the Solid Waste Department was on the assigned Community Service program however was not on a consistent basis.

Councilor Ulibarri, Jr. asked how long the Solid Waste Department could store metal.

Utilities Director Gilvarry informed that per their permit, were not allowed to keep or store metal/trash for more than 24 hours.

CITY MANAGER'S REPORT

Interim City Manager Ann Marie Gallegos reported that the City would be doing good with the amount of moisture recently received and that the City had been struggling with the recent winter storms in December and hampered the water

situation and water tanks. She advised that staff was were ready for the upcoming storm and continue to assist with water leaks and expansion of water pipes.

Interim City Manager Gallegos also reported on the following projects:

- Monthly Safety Trainings-Council Chamber
- Police Training-available to employees
- Library Literacy Fair
- 10-40, State forms available at Library (IRS excludes 10A & 10-40EZ this year)
- Recreation Center Pool-open (Boiler System running)
- Register-Legislative requests (priority projects)
- Las Vegas Day-February 28, 2019, committee mtgs., February 1, 2019-delivery of invitations
- NM Hall of Fame-LVCC, NM Film Week
- Legislative Sponsors: Senator Pete Campos & State Rep. Thomas Salazar
- CLV assisting P.D. Point in Time (Homeless Program) 1.28.19
- Dept. Emergency Management Presentations
- Code Enforcement-Jeremiah Gutierrez
- Solid Waste Phone System (operating)
- Job Descriptions-Council review/approval needed
- Approx. 23 Job Vacancies-posted until filled

Interim City Manager Gallegos advised that the Senior Center had been having difficulties finding the right personnel for cooks, drivers and transportation and would like to work with Human Resource Department regarding expediting the hiring process.

Mayor Gurulé-Girón asked for the status on the Samaritan House, how the City was tied to them and asked for the process of how the employees would identify homeless individuals.

Police Chief Bibb advised that it was a request from the Samaritan House to identify people who were challenged and in need of assistance.

Mayor Gurulé-Girón stated that in reference to the IRS doing away with certain forms, what would supplement those forms.

Library Manager McNellis informed they would be supplemented with schedules.

Councilor Casey stated that in identifying the homeless, the schools had a Federal grants list of homeless children which would be a helpful way in the process of identifying them.

Discussion took place of the process of identifying those individuals who were homeless.

Councilor Howell stated that according to his understanding that once the Samaritan House received their Occupancy Certificate from CID, that the City would consider funding them and asked if that had been done.

Interim City Manager Gallegos advised that they had received their Occupancy Certificate from CID and would run through March 15, 2019.

Fire Chief Billy Montoya advised that the Samaritan House had received their temporary Certificate of Occupancy in conjunction with the State Fire Marshal's Office and CID, with the understanding that some contingencies were met. He believed those contingencies had been met, such as fire watch and walkthroughs and informed the certificate was good until March. Chief Montoya advised that Mr. Lyon informed, when the weather improves the need for shelter settles down although they still needed to maintain their food pantry. Chief Montoya advised that the Samaritan House was looking into renovating the 7th street location and be up to code by next winter.

Mayor Gurulé-Girón advised that she believed that the project would be complete in September, 2019.

Councilor Howell stated that currently the County was funding them and wondered why the City was not funding them and felt that they needed all the help they could get.

Interim City Manager Gallegos stated that that was one of the reasons that the City had not funded them however would now look into the matter of getting an agreement together and gladly bring it to Council.

Councilor Howell recommended contacting Mr. Lyon to conduct a community meeting to address the safety concerns brought up in public input by Mr. Lesperance.

Councilor Romero had questions regarding the Samaritan's license coming through Council and stated that the area falls within his ward and was receiving calls about safety issues and felt the city should look into the legals regarding the funding for a temporary permit the Samaritan House currently had.

Mayor Gurulé-Girón stated that she felt the County should consider that the Samaritan House was not a permanent entity, regarding funding although the City

did support them but believed that conditions did need to be met. She thanked Councilor Howell for his help in supporting Mr. Lyons and commended Fire Chief Montoya for helping Mr. Lyon to receive the 90 day permit and assured Councilor Howell that once those conditions were fully met by Mr. Lyon, they would move forward with funding.

Councilor Howell stated that the Council was not informed about the Mayor and the Interim City Manager meeting with State Representative Salazar and Senator Campos regarding the Legislative requests and felt that the lack of communication was a concern.

Mayor Gurulé-Girón advised that would have formed a quorum, so that was something she took upon herself and had been going to meet with Legislators in Santa Fe and she did not notify Council of this because that was what most Mayors had done in the past.

Interim City Manager Gallegos apologized to Council, if she had not been clear enough when she stated that they would prepare the Legislative requests and would be meeting with Senator Campos and Representative Salazar and that she should have come to Council with that information.

Discussion took place regarding the Recreation Center boilers not being included in the Legislative requests.

Councilor Howell thanked Virginia Marrujo and Angela Lyster for their work in managing the Film Museum group meeting and he was hopeful in approaching the Lodger's Tax Board as well. He thanked Utilities staff in addressing water leaks rapidly.

Councilor Ulibarri, Jr. advised that sidewalks needed in the City had not been listed in the Legislative requests and asked if the Governing Body could bring the issues to Legislators.

Interim City Manager Gallegos advised that they like to do a group effort although the Governing Body was free to contact and discuss issues if they would decide.

Mayor Gurulé-Girón gave Interim City Manager Gallegos a directive to provide a lobbying request form to each governing body member so that they may lobby openly with Legislators.

Councilor Casey advised that she was concerned about the Council not seeing the list of legislative requests, that sidewalks was something she would have liked added to the list although Council had not been given the opportunity. She felt that the lack of communication was an issue and felt the Governing Body was excluded from governing and giving input on what was important to the City.

Councilor Casey requested a copy of the Legislative requests and stated that they had no idea what they were requesting and would like to know what she was lobbying for when attending the Legislature. She advised that in the future they needed to be consulted on those issues, knowing what their constituents and their wards needed.

Interim City Manager Gallegos advised that those projects were directly taken off the ICIP plan that Council had voted on. She explained that they took the top priorities voted on by Council and turned them into legislative requests and that the Governing Body approved the ICIP plan. She added that they had gone to Department Directors to identify what their needs were and stated she would provide Council with the listing, the ICIP plan and the legislative requests which were all a part of the ICIP plan.

Councilor Casey informed that she knew they were in the ICIP plan however thought they would have liked to have the opportunity to participate in the process of including additional needs to the ICIP plan.

Mayor Gurulé-Girón stated that she understood her concerns although she thought Interim City Manager Gallegos had mentioned that information regarding the legislative requests at a previous meeting.

Interim City Manager Gallegos advised she had mentioned it several times and stated if the Governing Body had other projects, they would assist them with paperwork and that she would provide her with the ICIP plan once again.

Councilor Romero mentioned that it would have been good to have added a General appropriation for road repair to the legislative request as other entities have, to possibly have received a big lump sum that would help in road repair.

Mayor Gurulé-Girón advised that she had mentioned at the last meeting that she spoke to Senator Campos through text, and he stated that he would be speaking

to the Governor on behalf of the City about roads and that it was very critical that the projects were tied to the ICIP and was difficult unless it went through an independent legislator like Senator Campos. She stated that he had committed to assist the City with road planning and that she was hopeful for any kind of funding from the Legislature.

Councilor Romero asked questions regarding the declaration of emergency and stated that he felt that lobbyists would be very effective in obtaining additional funding and they were very knowledgeable regarding knowing of extra funding available and thought the City could go after those additional monies through a lobbyist.

Mayor Gurule-Girón stated that Senator Campos was going to look into declaring it as an emergency. She stated that, regarding lobbyists, she believed from her experience that the best lobbyists were individuals that came from within our own area, Senators, Representatives and Council and spoke highly of Senator Pete Campos for being exceptionally familiar with the bills and how he would be an exceptional sponsor.

Further detailed discussion took place regarding lobbying, Legislative Session, Las Vegas Day/Night and sponsorships.

FINANCE REPORT

Interim City Manager Gallegos advised that Interim Finance Director Vega had fallen ill. She presented the Finance Report for the month ending December 31, 2018 (50% of the year lapsed), reporting General Fund revenue at 49% and expenditures at 40%. She reported the Enterprise Funds at 45% and expenditures came in at 36%. Interim City Manager Gallegos informed that Recreation Department revenue was at 42% and added that they had 24 teams already signed up for the YABL program and advised that expenditures were at 37%.

CONSENT AGENDA

City Clerk Fresquez read the Consent Agenda into the record as follows:

1. Approval of Traffic Safety Bureau Grant funds for Las Vegas Police Department for overtime to conduct End DWI, Buckle Up and STEP operations throughout the City.

2. Approval of Resolution No. 19-02 assuring the availability of funds for the lease/purchase of a new 2018 Elgin Whirlwind Dual Broom Sweeper.

Resolution 19-02 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 19-02**

A resolution authorizing submission of a Lease Agreement for the City of Las Vegas Public Works Department with Tax- Exempt Leasing Corp., a bid for leasing of a 2018 Elgin Whirlwind Dual Broom Sweeper.

WHEREAS; the governing body of the City of Las Vegas, desires to obtain a 2018 Elgin Whirlwind Dual Broom Sweeper; and

WHEREAS; the equipment is essential for the City to perform its governmental functions; and

WHEREAS; the City desires to lease such equipment, and funds made available under such lease will be applied to the acquisition of such equipment; and

WHEREAS; the City has taken the necessary steps to arrange for the acquisition of the equipment and related lease; and

NOW THEREFORE, BE IT RESOLVED; by the governing body of the City of Las Vegas, as follows:

- Section 1. The City of Las Vegas accepts the lease from Tax-Exempt Leasing Corp. in the amount of first payment being \$31,944.77 and thereafter \$5,276.98 monthly, covering a period of 5 years.
- Section 2. It is hereby found and determined that the terms of the Lease in the form presented to this meeting are incorporated in this Resolution are in the best interests of the City for the acquisition of the equipment.
- Section 3. The Lease and the acquisition and financing of the equipment under the terms and conditions as described in the Lease are hereby approved.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF JANUARY, 2019.

CITY OF LAS VEGAS

ATTEST:

Mayor

Casandra Fresquez, City Clerk

3. Approval of Resolution No. 19-03 assuring the availability of funds for the purchase of a new 2019 ford F-750 Bucket Truck.

Resolution 19-03 was presented as follows:

**CITY OF LAS VEGAS
RESOLUTION NO. 19-03**

A resolution authorizing the City of Las Vegas Public Works Department to purchase a 2018 Ford F-750 Diesel Bucket Truck through Don Chalmers Ford Company, for \$220,601.32.

WHEREAS; the governing body of the City of Las Vegas, desires to obtain a 2018 Ford F-750 Diesel Bucket Truck; and

WHEREAS; the equipment is essential for the City to perform its governmental functions; and

WHEREAS; the City desires to purchase such equipment, and funds made available through the Public Works Department and will be applied to the acquisition of such equipment; and

WHEREAS; the Public Works Department has taken necessary steps to arrange for the acquisition of the equipment; and

NOW THEREFORE, BE IT RESOLVED; by the governing body of the City of Las Vegas it is respectfully requested that authorization be given to the Public Works Department for the approval of said request.

PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF JANUARY, 2019.

CITY OF LAS VEGAS

Mayor

ATTEST:

Casandra Fresquez, City Clerk

4. Approval to award request for bid #2019-05 for the Mills building rehabilitation project ot Stoven Construction, Inc.
5. Approval to purchase one transport trailer for the Solid Waste division.
6. Approval of Resolution #19-04, repealing and replacing Resolution 18-43.

Resolution 19-04 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 19-04**

A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 18-43 BUDGET ADJUSTMENTS FOR FISCAL YEAR 2019

WHEREAS, The purpose of this Resolution is to abide by the Department of Finance and Administration request to amend previously submitted budget adjustment resolution, and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) out through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2018-19 fiscal year budget; to include an increase of \$60,000 in Lodgers Tax, \$24,999 CLG Grant funding, \$101,100 ALTS grant funding, \$10,959 Non-Metro AAA grant funding, \$190,485 DOT grant and expenditures \$265,184 and \$12,000 transfer (in) in Street CO-OP Projects to include \$63,488 unbudgeted cash balance, \$12,000 transfer out of Municipal Street, \$4,090,681 NMFA Loan Proceeds with a transfer out of \$71,750 to NMFA Debt Service;

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request be approved and meets the requirements as currently determined for fiscal year 2018-19;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 16th day of January, 2019

Tonita Gurule-Giron. Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

7. Approval of Resolution #19-05, repealing and replacing Resolution 18-45.

Resolution 19-05 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 19-05**

A RESOLUTION REPEALING AND REPLACING RESOLUTION NO. 18-45 BUDGET ADJUSTMENTS FOR FISCAL YEAR 2019

WHEREAS, The purpose of this Resolution is to abide by the Department of Finance and Administration request to amend previously submitted budget adjustment resolution, and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) out through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2018-19 fiscal year budget; to include an increase of \$305,891 in the E911 Program, an increase of 174,602 in the 2017 CFP Grant, an increase of \$68,585 in the 2018 CFP Grant, an increase in net transfers of \$115,190 and an increase of expenditures of \$115,190 in Low Rent Housing and an increase in transfer out in the General Fund of \$11,685;

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request be approved and meets the requirements as currently determined for fiscal year 2018-19;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 16th day of January, 2019

Tonita Gurule-Giron. Mayor

ATTEST:

Casandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

8. Approval of Resolution #19-06.

Resolution 19-06 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 19-06**

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2018-19, and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) out through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2018-19 fiscal year budget; to include an increase of \$100,000 NMPRC grant for Fire Protection for purchase of Apparatus, \$300,000 Internal Service Fund 546 for rehabilitation of Mills Building from unbudgeted 2018 cash balance, \$20,000 for EMS grant for Superior Ambulance, \$11,245 DOJ 2019 JAG grant, \$19,471 DOT grants, \$7,509 State Grants-in-Aid to Public Libraries, \$50,000 Fire Protection Other Special Revenue Fund and a transfer of \$43,000 to NMFA Fire Equipment Loan Fund.

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request be approved and meets the requirements as currently determined for fiscal year 2018-19;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 16th day of January, 2019

Tonita Gurule-Giron. Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

Councilor Casey made a motion to approve the Consent Agenda as read into the record. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

BUSINESS ITEMS

1. Approval/Disapproval to purchase one transport truck for the Solid Waste division.

Utilities Director Maria Gilvarry advised that the City of Las Vegas Solid Waste division is in need of additional equipment to include a transport truck. The truck that is being used now has a blown engine and it would not be cost effective to repair it. The division would like to purchase a used transport truck to haul green waste to Wagon Mound as required by the New Mexico Environment Department. The cost of the truck is \$50,863. She advised that they received a list of warranties and advised that they would go with the 24 month warranty for the engine and that it included water pumps, fuel injectors, fuel pumps and ECMs for the first 12 months and the cost was \$4,500.00 and felt it would be worth it, being it was a used vehicle. She advised the old semi was looked at by D.A.G. again, was able to get it operational to get some more miles out of the vehicle for the use of getting rid of green waste and haul more trash.

Councilor Romero thanked Utilities Director Gilvarry for addressing the matter of the warranty and felt that the extra expense was worth it and asked what the legalities were regarding asking for a second opinion on the semi without interfering with the contract with D.A.G.

City Attorney Esther Garduno Montoya stated that she was not sure and asked Ms. Gilvarry if she had any idea.

Utilities Director Gilvarry advised that D.A.G. did have the first chance on their vehicles due to having the contract however at the time they would advise they could not repair to be operational, would go to a second diesel mechanic.

City Attorney Garduno Montoya advised that in that situation, she would get together with Ms. Gilvarry and resolve that issue.

Councilor Casey made a motion to approve to purchase one transport truck for the Solid Waste division. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Vincent Howell	Yes	David G. Romero	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

2. Approval/Disapproval of Resolution 19-07.

Interim City Manager Gallegos advised that the City of Las Vegas was requesting increases to the FY2019 Budgeted revenues and expenditures, transfers to and from within various funds of the FY2019 Budget. She advised that it included the increase of \$24,300 NMDPS grant for overtime salaries, confidential funds, supplies and vehicle maintenance.

Councilor Casey made a motion to approve Resolution 19-07. Councilor Howell seconded the motion.

Resolution 19-07 was presented as follows:

**STATE OF NEW MEXICO
MUNICIPALITY OF CITY OF LAS VEGAS
RESOLUTION NO. 19-07**

WHEREAS, The Governing Body in and for the Municipality of Las Vegas, State of New Mexico has developed a budget adjustment request for fiscal year 2018-19, and

WHEREAS, said budget adjustments were developed on the basis of increases in revenues, expenditures and transfers (in) out through cooperation with all user departments, elected officials and other department supervisors, please see attached schedule; and

WHEREAS, the City of Las Vegas is in need of making budget adjustments in the 2018-19 fiscal year budget; to include an increase of \$24,300 NMDPS grant for overtime salaries, confidential funds, supplies and vehicle maintenance;

WHEREAS, it is the majority opinion of this governing body that the budget adjustment request be approved and meets the requirements as currently determined for fiscal year 2018-19;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Municipality of the City of Las Vegas, State of New Mexico hereby approves the budget adjustment request herein above described and respectfully requests approval from the Local Governing Division of the Department of Finance and Administration.

RESOLVED: In session this 16th day of January, 2019

Tonita Gurule-Giron. Mayor

ATTEST:

Cassandra Fresquez, City Clerk

REVIEWED AND APPROVED AS TO LEGAL SUFFICIENCY ONLY:

Esther Garduno Montoya, City Attorney

Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Barbara A. Casey	Yes
David G. Romero	Yes	Vincent Howell	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

3. Approval/Disapproval of Resolution 19-01, Open Meetings Resolution.

City Clerk Casandra Fresquez advised that Resolution 19-01 establishes reasonable notice of Council meetings in compliance with Open Meetings Act. Approval of resolution is required annually. She stated that also included was the City's Boards, Commissions and Advisory Committees which would help eliminate costs for advertising each time a committee was scheduled to meet.

Councilor Romero stated there had been issues with attendance regarding the boards and asked City Attorney what steps were being taken to advise the public of the meetings not taking place.

City Attorney Garduno Montoya advised that each department that work with commissions had prepared lists for City Manager and that they were working to fill vacancies in those commissions in order to get them going again.

Councilor Romero reiterated his question regarding the committees not meeting.

City Clerk Fresquez advised that should there be no meeting, the Department Directors should be posting a notice of the cancelled meeting.

Interim City Manager Gallegos advised that they had reviewed the resolution with Department Directors and had asked them to notify of any vacancies that would be taken to Mayor and brought back to the Governing Body for approval.

Councilor Casey made a motion to approve Resolution 19-01 Open Meetings Resolution as presented. Councilor Ulibarri, Jr. seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David G. Romero	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Due to the length of Resolution 19-01, Open Meetings Resolution, a complete copy may be obtained from the City Clerk's Office or may be viewed on the City's website.

COUNCILORS' REPORTS

Councilor Romero asked for an update on the Tilden property and suggested reviewing the Ordinance to possibly shorten the length of the process in the case it became habitual.

Interim City Manager Gallegos advised that there was a new Code Enforcement Officer and the last follow up with Code Enforcement Officer Levy Lujan was that he was in the process of sending the second notice although the property owner had partially cleaned the area. She advised she would follow up and bring back the status to Council.

Councilor Romero asked for an update regarding the lights being off at the Plaza Park area.

Interim Public Works Director Chris Rodarte advised that at the time the Utilities Department was repairing a water leak, they broke into the main power and were waiting on parts ordered for the repair.

Councilor Romero asked a question regarding HB-98 Elections Law that passed, for voting on moving Elections and why they had not been discussing that matter.

Mayor Gurulé-Girón stated that she had a lot of issues with that and that in her review and opinion, if they move into changing the election it would be a breach of contract which would cut them short, they would not honor the sworn in date

and she advised she had discussions with the Interim City Manager and the City Attorney regarding having to change the Charter and there would be concerns with litigation.

Discussion took place regarding the number of other municipalities opting in or out.

Councilor Romero mentioned the costs of election and asked how it would compare and asked if the City was in violation by not addressing the issue.

City Clerk Fresquez advised that the election including the run-off cost close to 30,000.00 as opposed to paying \$13,000.00 if the County took over elections.

Mayor Gurule-Girón advised Councilor Romero that we would not be in violation for addressing the issue, that they had the choice of opting in or opting out and stated that after reviewing with City Attorneys and other attorneys, found that it would be in violation with the Charter.

Councilor Romero asked, wouldn't the decision have come from Council?

City Attorney Garduno Montoya advised that the choices were to opt in, opt out or do nothing and added that the problem would be was that the City was a Charter community. She advised that to her understanding, the Legislature would look at the local election act this year and still continue to change it and iron out some issues.

Councilor Romero stated that what he read, was that Council made the decision.

Councilor Casey stated to Mayor Gurulé-Girón that even if she had seen all these issues, it was still a question of the Governing Board making that decision, at least discussing it, whether they chose to opt in or opt out and stated it had never been placed on the agenda and should have been, so they would have been given the opportunity to vote. She stated that the Mayor should not be making the sole decision for the entire Governing Body.

Mayor Gurulé-Girón stated that she would not put it on the agenda, that it was a violation of the City Charter and a violation of the contractual obligation to each elected official and that she would not put the City in a litigious situation.

Councilor Casey asked for the status of three pending issues regarding code enforcement, which were the properties on 1309 6th Street, 310 3rd Street and 1210 2nd Street.

Interim City Manager Gallegos advised that they were working on 1309 6th Street, that they were in the process of finding a contractor for the abatement and she would later bring an update regarding 2nd and 3rd Street properties.

Councilor Howell asked if there were any updates pertaining to the "exciting news".

Interim City Manager Gallegos advised that it was a project and there was no update.

Councilor Howell asked what the plan was for repairing the potholes in the City, and spoke of several potholes in his ward and was important that the community be informed.

Interim Public Works Director Rodarte informed that the hot mix would not be ready and available until late April, they ordered quick patch material which would be in next week and were using millings for temporary repairs on the potholes.

Councilor Howell stated that he understood that we supported the Samaritan House and that we just needed to understand what they were doing for our community and that no one else was helping the homeless. He stated that we needed to stop playing games and needed to support them with clothing, feeding and sheltering people in need and thought it was a shame to not be supporting them as much as we can. Councilor Howell advised that CID approved them and that the Fire Chief stated that they are doing what was asked of them.

Mayor Gurulé-Girón stated that she respected Councilor Howell's statements and supported the Samaritan House and hopefully the future detox center and would review funding with City Manager Gallegos regarding funding and that they would weigh everyone's concerns and were attempting and continue work with Mr. Lyon. She assured Councilor Howell they would continue to do all they could at this level and she would not back down from her word.

Councilor Casey advised that an employee of the Samaritan House informed her that they were in desperate need of food due to the winter, serving three meals a

day. She advised even with the Hillcrest Restaurant, Jaycees Pizza and El Comedor de San Pascual serving meals there was not enough food to feed everyone and that it would be good to get the word out asking for food or monetary contributions.

Councilor Ulibarri, Jr. made the suggestion of the Council and employees possibly donating to the Samaritan House. He asked how the red tagged properties would be addressed now that former Code Enforcement Officer Levy Lujan was no longer with the City.

Mayor Gurulé-Girón advised that if the City would be able to provide the funding through the financial agreement that it should take care of the needs through the cold season.

Interim City Manager Gallegos advised that they had another Community Development employee who had worked with Levy and had the files and she would have him review all red tags and would bring an update to Council.

Councilor Ulibarri, Jr. asked if they could address issues regarding overgrowth of trees that do not allow you to see the stop sign in the area of Romero and Socorro streets and also mentioned addressing issues of many potholes throughout the City and suggested using millings instead of sand for a more effective pothole repair.

Councilor Romero asked City Attorney Garduno Montoya for the update on the Governing Body Rules of Procedure.

City Attorney Garduno Montoya advised that she was reviewing and comparing discrepancies of the documents with the City Clerk.

Councilor Romero informed that in the Governing Body Rules of Procedure, it states that they may amend some of the rules. He used placing items on the agenda as an example and asked if he would be able to request a Special meeting to amend that certain portion of the Governing Body Rules of Procedure.

Mayor Gurulé-Girón stated that it would have to be researched and would have to tie into the Charter because it still governed and advised to let City Attorney to continue her review.

Councilor Romero asked City Attorney Garduno Montoya to provide an update on her review and added that they had previously agreed on taking care of this issue within a 60 day period.

Mayor Gurulé-Girón stated that he should review the memos from Attorney Danelle Smith that she had provided him that included a lot of clarification.

City Attorney Garduno Montoya advised that she would obtain those memos from City Clerk and they would review them.

Councilor Casey had concerns regarding the Codes of Conduct (Elected Officials & City Employees) included in the Governing Body Rules of Procedure, she thought they should be in a separate document. She strongly felt that the document needed to be revised.

Councilor Romero stated that the City did have some furloughed federal employees and asked if the City was doing anything to assist them regarding not being able to pay utility bills.

Interim City Manager Gallegos advised that if anyone knew of furloughed workers to send them to utilities with their furlough letters to work with them on the matter.

Councilor Romero asked if they could reach out to the public with public announcements pertaining to helping the furloughed workers.

Utilities Director Gilvarry advised that furloughed employees were notified that they would receive assistance by providing their furloughed letter and stated she was a bit hesitant of putting out a PSA, due to miscommunication and her not wanting to burden her employees of having to deal with many people who did not meet the requirements. She advised that there was also a 60 day limit before being impacted regarding cutoff to service.

Interim City Manager Gallegos stated that by law, she believed that they were not allowed to cut off gas services to the customer and were working with those who had fallen behind.

EXECUTIVE SESSION

Councilor Romero made a motion to go into Executive Session to discuss personnel matters, as permitted by Section 10-15-1 (H) (2) of the New Mexico Open Meetings Act, NMSA 1978. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

Barbara A. Casey	Yes	Vincent Howell	Yes
David G. Romero	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

Councilor Romero made a motion to reconvene into Regular session and advised that only personnel matters were discussed and no actions were taken. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

David A. Ulibarri, Jr.	Yes	Vincent Howell	Yes
Barbara A. Casey	Yes	David G. Romero	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.

ADJOURN

Councilor Casey made a motion to adjourn. Councilor Howell seconded the motion. Mayor Gurulé-Girón asked for roll call. Roll Call Vote was taken and reflected the following:

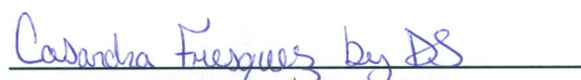
David G. Romero	Yes	Barbara A. Casey	Yes
Vincent Howell	Yes	David A. Ulibarri, Jr.	Yes

City Clerk Fresquez re-read the motion and advised that the motion carried.



Mayor Tonita Gurulé-Girón

ATTEST:



Casandra Fresquez, City Clerk